



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

**NOTICE OF ALLOWANCE AND ISSUE FEE DUE**

LM41/0920

MOTOROLA INC  
CORPORATE OFFICES INTL PROPERTY DEPT  
1303 EAST ALGONQUIN ROAD  
SCHAUMBURG IL 60196

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/950,502	10/14/97	014	CHOULES, J	2777 09/20/99
First Named Applicant	GRUBE,	35 USC 154(b) term ext. =		

TITLE OF INVENTION METHOD FOR PROVIDING SOFTWARE TO A REMOTE COMPUTER

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
2	CM01946HP01	707-010.000	B75 UTILITY	NO	\$1210.00	12/20/99

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.  
PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS  
APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

**I. Review the SMALL ENTITY status shown above.**

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

**II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.**

**III. All communications regarding this application must give application number and batch number.**

Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

**PATENT AND TRADEMARK OFFICE COPY**



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/950,502	10/14/97	GRUBE	CH019454P-01

LM41/0920

MOTOROLA INC  
CORPORATE OFFICES INTL PROPERTY DEPT  
1303 EAST ALGONQUIN ROAD  
SCHAUMBURG IL 60196

EXAMINER
CHOWLES, J

ART. UNIT	PAPER NUMBER
2777	

DATE MAILED: 09/20/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner of Patents and Trademarks

# Notice of Allowability

Application No.

08/950,502

Examiner

Jack M Choules

Applicant(s)

GRUBE

Art Unit

2777

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

1. ☒ This communication is responsive to papers filed 10/14/1997.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☐ The drawings filed on \_\_\_\_\_ are acceptable.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the CERTIFIED copies of the priority documents have been
    1. ☐ received.
    2. ☐ received in Application No. (Series Code / Serial Number). \_\_\_\_\_
    3. ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_
5. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

A SHORTENED STATUTORY PERIOD FOR REPLY to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office Action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be available under the provisions of 37 CFR 1.136(a).

6. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7. ☒ Applicant MUST submit NEW FORMAL DRAWINGS
  - (a) ☐ because the originally filed drawings were declared by applicant to be informal.
  - (b) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review( PTO-948) attached
    - 1) ☒ hereto or 2) ☐ to Paper No. \_\_\_\_\_
  - (c) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the examiner.
  - (d) ☐ including changes required by the attached Examiner's Amendment / Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

8. ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE / SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

## Attachment(s)

- |                                                                                                        |                                                                                     |
|--------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>2</u> | 6 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|                                                                                                        | 9 <input type="checkbox"/> Other                                                    |

Art Unit: 2777

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: The prior art of records details many of the elements of the invention as detailed for example in claim 10. Dev et al Patent No. 5,504,921 details the detection of software on a network using a radio link (col. 4 line 45- col. 5, line 16). Suzuki et al. Patent No. 5,256,171 details providing a list of software choices based on the list of software the user already has (abstract). Cane teaches transmission of software by radio for distribution (col. 1, lines 12-23). However, no prior art of record details all the elements of the invention or provides a teaching that would render the invention obvious under 35 USC 103. In particular the prior art of record does teach the combination of the steps of "transmitting" via radio information about software on a remote computer to a host, "receiving" via radio from the host at the remote computer a list including a "software application that compliments the software applications presently contained within the remote computer;" "determining", and "selecting at least one software application from the list of complementing software", "transmitting" a list of desired software via radio, and "receiving" via radio at least one desired software application. The language of the claim 10 has been abbreviated to avoid complete repetition of the claim, however, the point being that all the elements of the claim taken as a whole render the claim patently distinct over the art of record.

The examiner notes that there is no summary of the invention, however, as the applicant argued in the prosecution of the parent file 08/795,905 the language in the regulation is not obligatory. If the applicant reconsiders, this examiner would allow a summary to be entered by

Art Unit: 2777

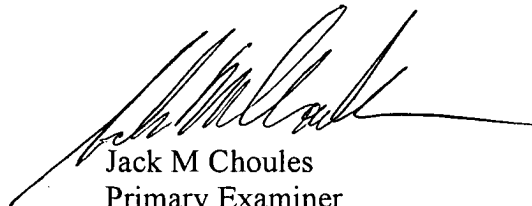
312 amendment, as a well-written summary is very helpful to examiners trying to find art to apply to further applications.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack M Choules whose telephone number is (703) 305-9840. The examiner can normally be reached on M-F (7:30-400).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anton Fetting can be reached on (703) 305-8449. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5403 for regular communications and (703) 308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.



Jack M Choules  
Primary Examiner  
Art Unit 2777

jmc  
September 18, 1999